



United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
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December 11, 2019

**FILED BY ECF**

The Honorable Alison J. Nathan  
United States District Judge  
Southern District of New York  
United States Courthouse  
40 Foley Square, Courtroom 1306  
New York, New York 10007

**Re:     *United States v. Ali Sadr Hashemi Nejad, 18 Cr. 224 (AJN)***

Dear Judge Nathan:

The Government respectfully writes to note its opposition to one aspect of the defendant’s proposed order, which was filed on December 9, 2019 at Docket Number 165 (the “Proposed Order”).

The defendant’s proposed order requests the return of property seized from the defendant’s seven email accounts (the “Sadr Email Accounts”), *and* from two email accounts that do not belong to the defendant. These two email accounts belong to the defendant’s business partner, Robert Klingensmith (the “Klingensmith Accounts”). Although the defendant’s letter accompanying the Proposed Order states that the Government “agrees with the form of the proposed order,” the Government was not aware that the defendant intended to seek the return of non-Sadr emails, such as the emails in the Klingensmith Accounts. The Government does not consent to their return. The defendant has not established that he has standing to seek the return (or suppression) of the Klingensmith Accounts, nor does the Government believe that he would be able to establish such standing. *See United States v. Mendlowitz*, 17 CR. 248 (VSB), 2019 WL 1017533, at \*5 (S.D.N.Y. Mar. 2, 2019) (rejecting claim by the co-owner, president, and CEO of a company that he had a reasonable expectation of privacy over computers seized from the company, which were not located in his own office).

The Honorable Alison J. Nathan, U.S.D.J.  
December 11, 2019  
Page 2

The Government therefore respectfully requests that the Court modify the first paragraph of the defendant's Proposed Order to remove reference to the Klingensmith Accounts.

Respectfully submitted,

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cc: Defense Counsel (by ECF)